

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES

RADNET MANAGEMENT INC. D/B/A SAN	:	
FERNANDO VALLEY INTERVENTIONAL	:	
RADIOLOGY AND IMAGING CENTER	:	31-CA-222587
	:	31-CA-225390

and

RADNET MANAGEMENT INC. D/B/A SAN	:	
FERNANDO ADVANCED IMAGING CENTER	:	

and

NATIONAL UNION OF HEALTHCARE WORKERS	:	
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RESPONDENTS' MOTION TO RESCHEDULE HEARING

As the Respondents in the above-captioned cases, RadNet Management Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center and RadNet Management Inc. d/b/a San Fernando Valley Advanced Imaging Center (hereafter, the “Employers”) hereby move, by and through the Employers’ Undersigned Counsel, for a rescheduling of the hearing in the above-captioned cases, which are currently scheduled for hearing on October 3, 2018.

On August 22, 2018, the Regional Director for Region 31 (hereafter, the “Regional Director”) issued the Complaint in the above-captioned cases, which involve the Employers’ testing of the Certifications of Representative

that were previously issued by the Regional Director in favor of the Charging Party. Due to inaccuracy associated with how some of the material allegations were pled by the Complaint, the Employers had a need to deny, and did deny, these allegations as part of their Answer, which was filed on September 5, 2018. The Complaint did not schedule any particular day for hearing, but rather, stated that “a hearing, if necessary, will be conducted at a time and date to be determined in the future.”

Last Wednesday, September 12, 2018, the Regional Director issued a Notice of Hearing through which she scheduled a hearing in these cases for October 3, 2018. On September 17, 2018, Administrative Law Judge John Giannopoulos conducted a pre-hearing call during which time the General Counsel and the Employers expressed an intention to explore a stipulation that would obviate the need for a hearing. At the same time, the Employers’ Undersigned Counsel noted a scheduling conflict and, for the sake of addressing the contingency of a hearing, expressed an intention to seek a rescheduling of the hearing to the following week (*i.e.*, the week of October 8, 2018).

The Undersigned Counsel has an arbitration scheduled for October 1 and 2, 2018 in Scranton, Pennsylvania. AAA Case No. 01-15-0005-9522. The case arises from a class action grievance filed in 2015 and, for various

reasons, the case has already been rescheduled on three previous occasions. Additionally, a related unfair labor practice charge has been deferred by the Regional Director for Region 4 and there is reason to believe that, in response to (another) cancellation of the hearing, the Regional Director of Region 4 may revoke deferral of the charge. NLRB Case No. 04-CA-170699. The Undersigned is also counsel of record in complex, consolidated unfair labor practice proceedings that are scheduled to resume for hearing on October 4 and October 5, 2018 in West Virginia. NLRB Case Nos. 08-CA-167313, *et al.*

Due to these longstanding, pre-scheduled conflicts for the Employers' Counsel, and it may be worth noting that the Regional Director scheduled the hearing with no inquiry of any such conflicts, the Employer respectfully requests that the hearing scheduled for October 3, 2018 be cancelled and rescheduled. Counsel for the General Counsel and Counsel for the Charging Party have advised that their respective clients oppose the Employers' rescheduling request. Counsel for the General Counsel has advised that, should the request be granted, the General Counsel would be available for hearing on October 9, October 10 or October 11, 2018. The Employers are available on any of these days. In spite of the request, Counsel for the Union

did not advise of the Union's availability for hearing the week of October 8, 2018.

For all the reasons above, the Employers respectfully request that the hearing be rescheduled from October 3, 2018 to October 9, October 10 or October 11, 2018.

Dated: September 20, 2018
Glastonbury, CT

Respectfully submitted,

_____/s/_____

Bryan Carmody
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CERTIFICATE OF SERVICE

The Undersigned, Bryan Carmody Esq., being an Attorney duly admitted to the practice of law, certifies, pursuant to 28 U.S.C. § 1746, that the above document was served this date upon the following by email:

James Racine, Esq.
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Dated: September 20, 2018
Glastonbury, CT

Respectfully submitted,

_____/s/_____

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